Customer No.: 31561
Application No.: 10/064,455
Docket No.: 8423-US-PA

REMARKS

This is a full and timely response to the outstanding Final Office Action mailed Oct. 19, 2005. Reconsideration and allowance of the application and presently pending claims 1-12 are respectfully requested.

Present Status of the Application

The Office Action rejected claims 5 and 12 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action also rejected claims 1-6, 9-12 under 35 U.S.C. 103(a) as being unpatentable over Szczepanek et al., US Patent 5,321,819, further in view of McIntyre et al., US Patent 6,381,218. The Office Action further rejected claims 7 and 8 under 35 U.S.C. 102(e) as being anticipated by McIntyre et al., US Patent 6,381,218.

Discussion of Office Action Rejections Under 35 U.S.C. 112, First Para.

The Office Action rejected claims 5 and 12 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleged that the claims contains subject matter ("SubSystem ID" & "SubVendor ID") which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

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In response to the rejection to claims 5 and 12 under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. Applicant hereby traverses the rejection as the following reasons. Applicant submits that both of the concepts "SubSystem ID" & "SubVendor ID" are familiar to those of ordinary skill in the art and are not necessary to be specified in the specification. As well known by one of ordinary skill in the art, the "SubSystem ID" is the system ID code, which specifies what a kind of network device the system is, while the "SubVendor ID" is the manufacture ID code of the network device. As set forth in Paragraph 0007, the device code (also well known as device ID) comprises SubSystem ID and SubVendor ID, both of which are parameters of a network device. It can be found in a website of MVKtech, a leader manufacturer of fast memory, http://www.mvktech.net/content/view/33/37/, that SubSystem ID and SubVendor ID are main features of a popular commercialized product, ATI Radeon Graphic Cards, which is designed to give users as much details as possible about an ATI BIOS. Similar description can also be found at an IBM website https://www-307.ibm.com/pc/support/site.wss/document.do?lndocid=MIGR-4ZFMXK for illustrating the updating history of Flash BIOS update (DOS update package)-IBM eServer xSeries 232, 342 of version 1.03. As set forth in another IBM website, http://www-306.ibm.com/pc/support/site.wss/document.do?lndocid=MIGR-4ST223, the version 1.03 was released on Jan. 31, 2002 that is prior to Jul. 17, 2002, the filing date of the present invention. As such, Applicant submits that claims 5 and 12 should be understood by one of ordinary skill in the art at the time the application was filed, and are unnecessary to be specified in the

specification. Therefore, Applicant submits that claims 5 and 12 should not be considered as failing to comply with the written description requirement and the rejection to claims 5 and 12 under 35 U.S.C 112, first paragraph should be withdrawn.

Discussion of Office Action Rejections Under 35 U.S.C. 103(a) Addressed to Claims 1-6 and Claims 9-12

The Office Action also rejected claims 1-6, 9-12 under 35 U.S.C. 103(a) as being unpatentable over Szczepanek et al., US Patent 5,321,819, further in view of McIntyre et al., US Patent 6,381,218.

In response to the rejection of claims 1-6, 9-12 under 35 U.S.C. 103(a) as being unpatentable over Szczepanek et al., US Patent 5,321,819, further in view of McIntyre et al., US Patent 6,381,218. As such, Applicant hereby traverses the rejection and submits that claims 1-6, 9-12 are now in condition for allowance.

With respect to claim 1, as previously presented, recites in part:

...a computer system, for inserting the network interface adapter supporting the plurality of physical layers, and further comprising:

a basic input/output, for providing a selection screen of the network physical layers and reading the device code, so as to calculate a simulation device code corresponding to a selected network physical layer according to the selected network physical layer and the device code...

Applicant submits that such a network interface system as set forth in claim 1 is neither taught, disclosed, nor suggested by Szczepanek et al., US Patent 5,321,819, McIntyre et al., US Patent 6,381,218 or any of the other cited references, taken alone or in combination.

The Examiner alleged that McIntyre '218 discloses a basic input/output (FIG. 1, #112-116, keyboard/monitor display). Applicant submits that the keyboard/monitor display as set forth in McIntyre '218 are distinct and different from the basic input/output as set forth in claim 1 of the present invention. As well known by one of ordinary skill in the art, a basic input/output herein indicates a firmware in ROM, such as BIOS of a PC, which contains the software routines to run all hardware peripherals including a keyboard, a monitor or a network device, rather than hardware such as keyboard or monitor. Therefore, Applicant submits that both of Szczepanek '819 and McIntyre '218 fail to teach, disclose or suggest a basic input/output for providing a selection screen of the network physical layers and reading the device code, which is required for the present invention as set forth in claim 1, thus claim 1 is not rendered obvious by Szczepanek '819 in view of McIntyre '218 and should be allowable.

Accordingly, claim 1 is submitted to be novel, unobvious, and patentable over Szczepanek '819 and McIntyre '218, and thus should be allowable.

If independent claim 1 is allowable over the prior art of record, then claims 2-6 and 12 that are depend from claim 1 are allowable as a matter of law, because these dependent claims

contain all features of their respective independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing reasons for the allowability of claim 1, these dependent claims recite further features and/or combinations of features that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

With respect to claim 12, as previously presented, recites in part that "the device code comprises a SubSystem ID and a SubVendor ID of the PCI configuration."

The Examiner alleged that McIntyre '218 discloses the device code comprises a Subsystem ID (OID) and a Subvendor ID (OID) of the PCI configuration [col.14, lines 54-58]. Applicant submits that such assertion is incorrect and should be withdrawn.

The device code as claimed in the invention comprises a Subsystem ID, which specifies what a kind of network device the system is, and a Subvendor ID, which specifies the manufacture ID code of the network device. However, the assertion content [col.14, lines 54-58] in the McIntyre '218 by the Office Action, further in view of the Fig. 10 of the McIntyre '218, the "OID" as asserted is a "device driver", which is totally different from the device code specified in the invention.

Discussion of Office Action Rejections Under 35 U.S.C. 102(e) Addressed to Claims 7 and 8

The Office Action also rejected claims 7 and 8 under 35 U.S.C. 102(e) as being anticipated by McIntyre et al., US Patent 6,381,218.

Applicant submits that such a network interface system and such a method for supporting a plurality of physical layers as set forth in claims 7 and 8 are neither taught, disclosed, nor suggested by Szczepanek '819, McIntyre '218 or any of the other cited references, taken alone or in combination.

Regarding claim 7, as previously amended, recites in part:

A network interface system supporting a plurality of physical layers...comprising:

a network interface adapter supporting the plurality of physical layers, for coupling the computer network wherein the network interface adapter has a plurality of network physical layers and a device code...; and

a computer system, wherein...another physical layer is selected from a screen provided by the basic input/output system of the computer system; and then, the basic input/output system reads the device code...

Likewise, claim 8, as previously presented, recites in part:

A method for supporting a plurality of physical layers...comprising the steps of:

providing a selection setup screen of the basic input/output system to select one of the network physical layers, which is physically used;

reading the device code provided by the network interface adapter supporting the plurality of physical layers; and

according to the selected network physical layer and the read device code...

The Examiner alleged that McIntyre '218 discloses a device code (drivers). However, as set forth in Paragraph 0007, the device code (also well known as device ID) comprises SubSystem ID and SubVendor ID, both of which are parameters of a network device; rather than the device driver.

Also, the Examiner alleged that McIntyre '218 discloses the peripheral devices such as "keyboard or monitor". However, applicant submits that the keyboard/monitor display as set forth in McIntyre '218 are distinct and different from the "basic input/output system" as set forth in claim 7 and claim 8 of the present invention. As well known by one of ordinary skill in the art, a "basic input/output system" herein indicates a firmware in ROM, such as BIOS of a PC, which contains the software routines to run all hardware peripherals including a keyboard, a monitor or a network device, rather than peripheral hardware such as keyboard or monitor.

Applicant hence submits that such a network interface system and such a method for supporting a plurality of physical layers as set forth in claims 7 and 8 are neither taught, disclosed, nor suggested by McIntyre '218 or any of the other cited references, taken alone or in combination. As set forth in the arguments with respect to claim 7 and 8, McIntyre '218 fails to

teach, disclose or suggest the basic input/output system which is required by the network interface system as set forth in claims 7 and 8.

Accordingly, claims 7 and 8 are submitted to be novel, unobvious, and patentable over McIntyre '218, and thus should be allowable.

If independent claim 8 is allowable over the prior art of record, then claims 9-11 that are depend from claim 8 are allowable as a matter of law, because these dependent claims contain all features of their respective independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-12 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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